

REDACTED – PUBLIC VERSION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**SMITH KLINE & FRENCH LABORATORIES
LIMITED and SMITHKLINE BEECHAM
CORPORATION d/b/a GLAXOSMITHKLINE,**

Plaintiffs

vs.

TEVA PHARMACEUTICALS USA INC.

Defendant.

Civil Action No. 05-197 (GMS)

FILED UNDER SEAL

**DECLARATION OF KAREN E. KELLER
IN SUPPORT OF TEVA'S MOTION IN LIMINE NO. 2
TO EXCLUDE EXPERT TESTIMONY BY PATENT ATTORNEY EGON BERG**

I, Karen E. Keller, declare as follows:

I am admitted to this Court and am an associate with the law firm of Young Conanway Stargatt & Taylor, LLP, counsel of record for Defendant Teva Pharmaceuticals USA, Inc., in this action.

1. Attached hereto as Exhibit A is a true and correct copy of the September 22, 2006 Expert Report of Egon Berg.

2. Attached hereto as Exhibit B is a true and correct copy of *Revlon Consumer Products Corp. v. L'Oreal S.A.*, 1997 WL 158281 (D. Del. Mar. 26, 1997).

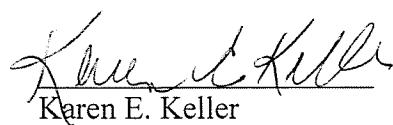
3. Attached hereto as Exhibit C is a true and correct copy of *ONDEO Nalco Co. v. Eka Chemicals, Inc.*, 2003 WL 1524658 (D. Del. Mar. 21, 2003).

4. Attached hereto as Exhibit D is a true and correct copy of *Proctor & Gamble Co. v. Teva Pharmaceuticals USA, Inc.*, 2006 WL 2241018 (D. Del. Aug. 4, 2006).
5. Attached hereto as Exhibit E is a true and correct copy of *Applied Materials, Inc. v. Advanced Semiconductor Materials America, Inc.*, 1995 WL 261407 (N.D. Cal. Apr. 25, 1995).
6. Attached hereto as Exhibit F is a true and correct copy of *W.R. Grace & Co. v. Viskase Corp.*, 1991 WL 2611647 (N.D. Ill. Oct. 15, 1991).
7. Attached hereto as Exhibit G is a true and correct copy of *Syngenta Seeds, Inc. v. Monsanto Co.*, 2004 WL 2106583 (D. Del. Sept. 8, 2004).

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C.

Dated: October 23, 2006

Respectfully submitted,



Karen E. Keller

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire, hereby certify that on October 30, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Patricia Smink Rogowski, Esquire
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I further certify that on October 30, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and the following non-registered participant in the manner indicated:

BY E-MAIL ON OCTOBER 30, 2006 AND
BY FEDERAL EXPRESS ON OCTOBER 31, 2006

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